

NOV 24 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

KEVIN JOHN WITASICK,

Plaintiff - Appellant,

v.

ARIZONA, STATE OF; ARIZONA COURT
OF APPEAL; STATE BAR OF ARIZONA;
SARAHY D GRANT, in both her individual
and judicial capacities; E G NOYES, JR, in
both is individual and judicial capacity;
SHELDON H WEISBERG, in both his
individual and judicial capacity; NANCY A
GREENLEE, in both her individual and
official capacities; SHAUNA R MILLER, in
both her individual and official capacities;
JOHN A FURLONG, in both his individual
and official capacities; JANE DOE FURLONG,
wife; CLAUDIO A IANNITELLI, husband;
JANE DOE IANNITELLI, wife; JAMES A
CSONTOS, husband; JANE DOE CSONTOS,
wife; DAVID C TIERNEY, husband; JANE
DOE TIERNEY, wife; DOES, 1 THROUGH
50, INCLUSIVE,

Defendants - Appellees.

No. 01-17375

D.C. No. CV-00-02264-PGR

ORDER*

* This order is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

Appeal from the United States District Court
for the District of Arizona
Paul G. Rosenblatt, District Judge, Presiding

Argued and Submitted November 4, 2003
San Francisco, California

Before: THOMPSON, TROTT, and CALLAHAN, Circuit Judges.

The panel unanimously affirms, for the reasons stated by the district court in its order dated October 4, 2001, the dismissal of Witasick's complaint for failure to state a claim.

Witasick's claims against the Arizona Court of Appeals are barred because the Court of Appeals is not amenable to suit, see Grande v. Casson, 50 Ariz. 397 (1937), and the Eleventh Amendment precludes suit in federal court. See Seminole Tribe v. Florida Prepaid, 517 U.S. 44, 54 (1996). The claims against the individual judges of the Arizona Court of Appeals are barred by judicial immunity. See Duvall v. County of Kitsap, 260 F.3d 1124, 1133 (9th Cir. 2001). The claims for injunctive relief against the state court defendants request review of a state court decision and are likewise barred. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 486 (1983). The claims against the Arizona State Bar and its individual members are barred by the Eleventh Amendment and Younger

abstention. See Lupert v. California, 761 F.2d 1325 (9th Cir. 1985); Middlesex County Ethics Comm. v. Garden State Bar Ass'n, 457 U.S. 423 (1982).

AFFIRMED